

## **REMARKS**

### **I. 35 U.S.C. § 103**

Claims 57-61, 63, 64 and 66-79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Franchi (U.S. Patent No. 5,770,533) in view of Gimmon (U.S. Patent No. 5,096,195) and further in view of Paulsen et al. (U.S. Patent No. 6,712,698). The Examiner has also rejected claims 62 and 65 as being unpatentable over Franchi in view of Gimmon, Paulsen and Walker (U.S. Patent No. 6,024,640) or Rocco (U.S. Patent Application No. 2001/0035425). Applicants assert that the rejections are improper because the proposed combination of elements does not yield the claimed invention. Furthermore, at least one claimed element functions differently from that in the prior art.

As claimed and discussed in the RCE filed on 2/12/07, the presently disclosed invention involves portable gaming devices capable of communicating with one or more designated gaming devices also functioning as cashier devices. In contrast, the proposed combination of Franchi, Gimmon and Paulsen does not yield the claimed invention. Specifically, the combination does not provide for a gaming device also capable of functioning as a cashier device and providing cashiering services. Additionally, the claimed element of the gaming devices as cashier devices functions differently than that disclosed in Franchi, Gimmon or Paulsen.

The objective of Franchi is to minimize the number of employees in the casino and hence, the operating cost of the casino (col. 2, lines 33-35). A secondary objective is to eliminate cheating and dealer skimming (col. 2, lines 14-16). As such, there is no motivation or desirability for employees to carry around wireless handheld devices capable of functioning as cashier devices because of the security risk and potential for cheating. Employees having mobile cashiering capabilities can collude with players having mobile player units by hiding in places without surveillance equipment (e.g., restrooms, closets, areas off the casino floor, etc.) to conduct illicit activities that cannot be readily monitored. These illicit activities may entail financial transactions if the mobile devices are capable of functioning as cashiering devices thereby potentially cheating casino out of millions and millions of dollars with no way of monitoring such activities. As such, the combination of

Franchi, Gimmon and Paulsen does not yield the claimed invention of having gaming devices function as cashier devices.

In addition, the claimed element of the gaming devices as cashier devices function differently than that as provided in Franchi. The Examiner makes the argument that there is motivation or suggestion in Franchi to provide a portable gaming unit capable of functioning as a cashier's unit because of the following features (office action, page 4): see cashier feature 309 (col. 6, lines 15-16), call for service (col. 8, lines 27-28) and remotely bet over the shoulder (col. 19, lines 14-21). Applicants assert that these features are one-way communications and do not constitute a desire or motivation for two-way communications to take place. In other words, these so-called "cashiering features" are nothing more than call buttons for players to call for assistance or service and do not constitute providing two-way cashiering services.

In Franchi, the see cashier feature 309 is for identification and access purposes and not for financial transaction purposes. As shown in Fig. 3, a player is asked to see the cashier when there is access problem with the computer 307 or the player's card 309. In these instances, it is more likely that the player has to physically locate a cashier so that the cashier can access the central computer in order to figure out what is wrong with the player's account or betting card. This is in contrast to having mobile gaming devices capable of providing cashiering related functions. Most importantly, the "see cashier" feature is to facilitate issues related to identification and access and not financially-related transactions. Secondly, the call for service feature is nothing more than asking for a waiter or waitress to come over and service the player. As described in Franchi, once initiated, waitressing services can be provided in the form of retrieving a telephone or getting drinks (col. 8, lines 27-28). This is nothing more than a call button or service request and is in no way related to providing financial exchanges or cashiering functions like adding funds to a player's account or cashing out. Lastly, the remote betting over the shoulder function simply allows the player to place bets from a proximity when the gaming table is crowded using the wireless network (col. 19, lines 14-21). However, the wireless communication is still limited to the specific gaming table and does not go through other intermediaries, unlike the claimed invention of having the gaming device functioning as cashier device.

Accordingly, the claims are not obvious over these prior art references because the claimed element of gaming devices as cashier devices functions differently than that disclosed in Franchi, Gimmon or Paulsen.

Further, in contrast to the Examiner's assertion that Paulsen discloses a portable gaming device capable of functioning as cashier devices (office action, page 4), Applicants contend that the wireless device carried by casino service representatives are for identification purposes only and not for gaming or cashiering-related transactions (col. 22, lines 52-67). In Paulsen, the purpose of the wireless interface 364 is to identify and exchange player information. Id. The wireless interface 364 functions like a proximity sensor and is able to identify a player without the player having to insert his or her gaming card into a card reader 325. Id. In short, the wireless interface 364 can be carried by casino personnel to save time in registering or identifying players at gaming machines without the player having to insert his or her players or gaming card. Thus, like above, the proposed combination of Franchi, Gimmon and Paulsen does not yield the claimed invention, specifically, Paulsen also fails to provide for a gaming device also capable of functioning as a cashier device and providing cashiering services. Furthermore, the claimed element of the gaming devices as cashier devices functions differently than that disclosed in Franchi, Gimmon or Paulsen. Accordingly, the Section 103 rejection of claims 57-61, 63, 64 and 66-79 should be withdrawn.

In addition, claims 62 and 65 are not obvious over Franchi in view of Gimmon, Paulsen and Walker or Rocco because the combination fails to yield the claimed invention and at least one claimed element functions differently than that in Franchi or Paulsen. See discussion supra. Since claims 62 and 65 depend from and further limit claim 57, the Section 103 rejection of these claims should also be withdrawn.

## **II. Conclusion**

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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